

REMARKS

Section 112 Rejection

The Examiner rejected claims 7-15, 23, 26-29, and 35 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Applicant respectfully traverses these rejections.

1.

The Examiner contends the recitation of “the V-shaped edge being indented into the page to define the pocket for the adhesive” in claim 7 is new matter because the specification does not support the recitation. The Applicant respectfully disagrees. The V-shaped edge that is indented into the page recited in claim 7 is described in the written description at page 9, lines 10-16 and is depicted in Figs. 7-10 wherein the edge (70) of the page (22) is V-shaped to receive the adhesive (72). With reference to Fig. 7, the V-shaped edge is depicted as being indented into the body of the page (22). As explained in MPEP 2163.02, an applicant may show possession of the claimed invention in a variety of ways – including the written description and the drawings. In this case, the indented V-shaped edges are both described in the written specification and depicted in the drawings. Although the exact words “indented into the page” are not used in the written specification, the drawings and written specification support the use of these words in the claims. There is no requirement that the exact words of the claims be found in the written description. See MPEP 2163.02. The Applicant thus submits the claim recitation describing the nature of the V-shaped is fully supported by the written description and the claims are in compliance with section 112.

2.

The Examiner contends the recitation of the non-pivotable connection between the page halves (44) is new matter because the specification does not support the recitation. The Applicant respectfully disagrees. The page halves (44) are shown throughout the drawings and are described in the written description at page 7, line 18 through page 8, line 16. This material discloses that the page halves (44) may be connected together (through any of the disclosed attachment methods) at all four corners of the page halves. In this configuration, one of ordinary skill in the art would readily understand that the page halves are fixed with respect to each other – and are thus non-pivotably connected to each other. Although the word “non-pivotably” is not used in the written specification, the drawings and written specification support the use of this word in the claims. There is no requirement that the exact words of the claims be found in the written description. See MPEP 2163.02. The Applicant thus submits the claim recitation describing the non-pivotable connection between the page halves is fully supported by the written description and the claims are in compliance with section 112.

Section 102 Rejection

The Examiner rejected claim 35 as being anticipated by Brinkhurst '452. The Applicant respectfully traverses the rejection and urges the Examiner to reconsider and withdraw the rejection. Claim 35 requires the claimed storage container (10) to have a substantially rigid plastic page (22) that is formed from first and second page halves (44) that were separately formed and non-pivotably joined together to form the substantially rigid plastic page. The Examiner cites element 13 in Fig. 4 of Brinkhurst '452 as meeting the

"page" limitation of claim 35. The Examiner submits that page 6, lines 21-25 discloses that the Brinkhurst page (13) may be formed from page halves as recited in Applicant's claim. The Applicant respectfully disagrees. Page 6, lines 21-25 disclose that the Brinkhurst '452 container may have multiple pages (a series of pages 13) that are either hinged together (thus pivotably connected directly together) or are each individually connected to the spine (thus pivotably movable with respect to each other). Nothing in Brinkhurst discloses the use of page halves to form the pages (13). Each page appears to be of a unitary construction. As described in Applicant's specification, the use of page halves allows a literature card to be disposed between the halves. Brinkhurst '452 discloses no such structure and thus does not anticipate claim 35.

Section 103 Rejections

As explained above, the Applicant submits Brinkhurst '452 does not disclose or suggest the claimed page half structure. Claims 7, 27, and 35 each recite the page halves. The Applicant thus submits a prima facie case of obviousness has not been established for claims 7 and 27 because Brinkhurst does not disclose the page halves recited in claims 7 and 27 in addition to the reasons noted below.

1.

Claim 7

The Examiner rejected claim 7 as being obvious in view of the combination of Brinkhurst '452 and US Patent 3,244,436 to McKowen. The Applicant respectfully traverses the rejection. The Examiner admits that Brinkhurst '452 does not disclose the

use of a V-shaped edge on its pages to receive adhesive. The Examiner cites Fig. 1, item #12, of McKowen to support the contention that it is old and well known in the art to have a page edge in a V-shape to provide a pocket for an adhesive. The Applicant respectfully traverses the rejection. None of the McKowen pages have V-shaped edges as recited in claim 7. The Applicant has amended claim 7 to make it clear that the edges of the pages were in the form of V-shaped indentations disposed into the body of the page. The Examiner cites the inner edge of the McKowen signatures (12) as being V-shaped so that adhesive (18) can be disposed in the gaps between the signatures (12). These are not, however, page edges as recited in claim 7. McKowen discloses a traditional and well known type of book binding wherein signatures (12) are sewn (34) together and glued to a spine. In the book binding art, a "signature" is "a large sheet printed with four or a multiple of four pages that when folded becomes a section of the book." Dictionary.com, second definition under "6. Printing." The "page 12" cited by the Examiner is actually a plurality of book pages with only the outer two pages (joined by fold) engaging the adhesive. The V-shaped gaps cited by the Examiner are formed between adjacent signatures 12 – not on the edges of the pages. Each page of McKowen's structure thus does not have an edge that is V-shaped in cross section and indented into the page as required by the claim. In order to clarify the difference, claim 7 was amended to recite that the V-shaped edge is indented into the page edge to define the pocket for the adhesive. This language matches the structure shown in the drawings and described in the specification. The Examiner has not explained how the signatures 12 of McKowen provide the V-shaped edge being indented into the page to define the pocket for the adhesive. Nothing in McKowen is indented to a page and the adhesive pocket is disposed beside the outer page of the

signature – not indented into the page of a page of the signature. The Applicant thus submits the rejection of claim 7 and its dependent claims should be withdrawn.

2.

The Examiner has rejected independent claims 27 and 30 as being obvious in view of the combination of Brinkhurst '452 and Gelardi '782. The Applicant respectfully traverses the rejections.

Claim 27

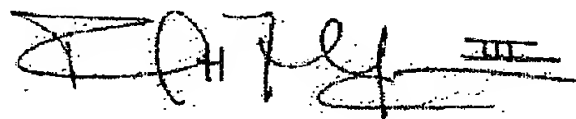
Claims 27 requires the literature card to be being disposed within the page between the first and second halves such that the literature card is disposed between the disc-shaped items of recorded media when the disc-shaped items of recorded media are carried by the page halves. The combination of Brinkhurst (a solid page) and Gelardi (literature card disposed against outer surface of page) does not render the claim obvious. The Examiner has cited elements 3 and 63 to disclose the Gelardi page halves that are disposed on either side of the Gelardi literature card. The Applicant interprets Gelardi's elements 3 and 63 as pages – not page halves. Despite the interpretation, the claim requires the page halves to be non-pivotably joined together to form the page within which the card is disposed. Gelardi's elements 3 and 63 do not disclose meet these limitations. Nothing in the two references suggests to one of ordinary skill in the art to locate a literature card between first and second page halves as recited in claim 27. The Applicant thus submits that claim 27, and its dependent claims, are patentable over the art.

Claim 30

Claim 30 requires the outer perimeter of the disc-holding page to be positioned directly between the front and rear paperboard cover members when the cover members are closed. The Applicant submits the teachings of Gelardi are irrelevant because there is no motivation for combining them (or from any other reference) with the Brinkhurst teachings because Brinkhurst teaches away from the solution recited in claim 30. The Applicant thus submits that claim 30 is patentable over the cited combination of references.

Conclusion

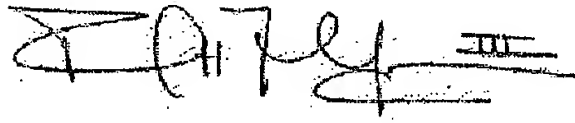
In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal notice of allowability for the claims.



By: Fred H. Zollinger, III
Reg. No. 39,438
Zollinger & Burleson, Ltd.
P.O. Box 2368
North Canton, OH 44720
phone 330-526-0104
FHZ
Attorney Docket: 1949-A-CIP

CERTIFICATE OF FACSIMILE

I hereby certify that this 13 page correspondence (Request for Reconsideration in application serial no. 09/883,619 filed June 18, 2001) is being transmitted via facsimile to 1-571-273-8300 on April 7, 2006.



Fred H. Zollinger III
Reg. No. 39,438